

## REMARKS

Claims 25-29 are pending in the application. The Examiner has raised the following rejections:

- I. Claims 25-29 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention; and
- II. Claims 25-29 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Cleary, *et al.*, ("Cleary") in view of Levy, *et al.*, ("Levy") and Embleton, *et al.* ("Embleton").

Applicant respectfully requests reconsideration of the application in view of the amendments and comments provided herein. The rejections will be addressed in the order listed above.

### **I. The Claims are not indefinite.**

The Examiner has rejected Claims 25-29 under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (Office Action, page 3). In particular, the Examiner asserts that it is not clear from the claims how the identification of a cell or clone produces the claimed multivalent composition. Applicant respectfully disagrees. Nonetheless, for business reasons and without acquiescing to the Examiner's arguments, and reserving the right to prosecute the original or similar claims in the future, Applicant has herein amended Claims 25, 28 and 29 to recite that the multivalent composition comprises said transformed cell (or said individual clone in Claim 29) capable of growth in the particular recited conditions.

The claims as amended clearly state that the claimed multivalent composition comprises an individual transformed cell and clone that expresses the recited combinations of V<sub>H</sub> and V<sub>L</sub> regions (*i.e.*, at least one V<sub>H</sub> region and at least two V<sub>L</sub>

regions, at least two  $V_H$  regions and at least one  $V_L$  region, and at least two  $V_H$  regions and at least two  $V_L$  regions, wherein said at least two  $V_L$  regions differ by at least one idiotope, wherein said at least two  $V_H$  regions differ by at least one idiotope). Thus, the claims to an individual cell expressing the combination of variant variable regions do not read on *multiplicities* of cells expressing a combination of antibodies, nor do they read on compositions assembled by combining a multiplicity of whole antibodies or fragment antibodies.

Applicant submits that Claims 25-29 as amended are not indefinite under 35 U.S.C. §112, and respectfully requests that this rejection be removed.

## **II. The Claims are Not Obvious**

The Examiner has rejected Claims 25-29 under 35 U.S.C. §103(a) as allegedly being unpatentable over Cleary, *et al.*, ("Cleary") in view of Levy, *et al.*, ("Levy") and Embleton, *et al.* ("Embleton").

For reasons stated in the Amendment and Response filed on August 19, 2005, and incorporated here by reference, Applicant maintains that these references are improperly combined. Nonetheless, for business reasons and without acquiescing to the Examiner's arguments, and reserving the right to prosecute the original claims in one or more future applications, the claims have been amended to recite that the claimed multivalent composition comprises a "transformed cell" or "individual clone" that "expresses a combination of  $V_H$  and  $V_L$  regions selected from the group consisting of at least one  $V_H$  region and at least two  $V_L$  regions, at least two  $V_H$  regions and at least one  $V_L$  region, and at least two  $V_H$  regions and at least two  $V_L$  regions, wherein said at least two  $V_L$  regions differ by at least one idiotope, wherein said at least two  $V_H$  regions differ by at least one idiotope".

As the Examiner has noted (Office Action, page 3), neither the Cleary nor the Levy reference teach multivalent compositions comprising variant  $V_H$  sequences comprising more than one idiotype, or variant  $V_L$  sequences comprising more than one idiotype. Neither of these references teaches or suggests the individual transformed cells or individual clones that express such combinations of variant  $V_H$  and/or  $V_L$  sequences of the present claims.


Embleton does not cure this deficiency. Rather, the teachings of Embleton specifically teach away from the claimed compositions. The recited "transformed cell" and the recited "individual clone" each comprise DNA derived from multiple B-cell tumor cells. Embleton teaches methods particularly directed at amplifying immunoglobulin genes from within single cells, so as to avoid mixtures comprising the DNA of mixed populations of cells. Thus, Embleton teaches away from the present invention in that the method it describes is intended to *avoid* producing the compositions such as are presently claimed. Therefore, even if Embleton is combined with the Cleary and Levy references, the combination does not teach or suggest all of the elements of the present claims.

For the reasons described above, Applicant submits that the combination of Cleary, Levy, and Embleton does not establish obviousness of the instant claims and respectfully requests that this rejection be removed.

#### CONCLUSION

For the reasons set forth above, it is respectfully submitted that all reasons for rejection should be removed and Applicant's claims should be passed to allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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Mary Ann D. Brown  
Registration No. 42,363

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
(608) 218-6900